

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**K.S., by and through her parents and next friends,
T.S. and A.R.,**

Plaintiff,

vs.

Case No. 14-cv-00385 SCY/KBM

**THE SANTA FE PUBLIC SCHOOLS;
VICKIE L. SEWING, in her individual capacity;
THE ESPANOLA PUBLIC SCHOOLS;
RUBY E. MONTOYA, in her individual capacity;
GARY F. GREGOR, in his individual capacity;**

Defendants.

**DEFENDANT GARY GREGOR'S ANSWER TO PLAINTIFFS'
FIRST AMENDED COMPLAINT**

COMES NOW Defendant Gary Gregor ("Defendant Gregor"), by and through his counsel of record, Narvaez Law Firm, P.A. (Henry F. Narvaez and Carlos E. Sedillo), and hereby provides his *Answer to Plaintiffs' First Amended Complaint* [Doc No. 7] as follows:

PARTIES

1. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 1 and they are therefore denied.
2. Paragraph 2 is admitted.
3. Paragraph 3 sets forth legal conclusions to which no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.
4. Paragraph 4 is admitted to the extent that Defendant Vickie Sewing was the Principal at Agua Fria Elementary School and was Defendant Gregor's direct supervisor during the time he was employed at Agua Fria Elementary. The remaining allegations do not purport to state claims

against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

5. Paragraph 5 sets forth legal conclusions and does not purport to state claims against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

6. Paragraph 6 is admitted to the extent that Ruby Montoya was the Principal at Fairview Elementary School and was Defendant Gregor's direct supervisor during the time that he was employed at Fairview Elementary. The remaining allegations do not purport to state claims against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

7. Paragraph 7 is admitted.

8. Paragraph 8 sets forth legal conclusions and does not purport to state claims against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

JURISDICTION AND VENUE

9. Paragraph 9 sets forth legal conclusions and does not purport to state claims against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied

10. Paragraph 10 sets forth legal conclusions and does not purport to state claims against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

FACTUAL ALLEGATIONS

11. Paragraph 11 is admitted.

12. Paragraph 12 is admitted.

13. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 13 and they are therefore denied.

14. Paragraph 14 is denied.

15. Paragraph 15 is denied.

16. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 16 and they are therefore denied.

17. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 17 and they are therefore denied.

18. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 18 and they are therefore denied.

19. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 19 and they are therefore denied.

20. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 20 and they are therefore denied.

21. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 21 and they are therefore denied.

22. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 22 and they are therefore denied.

23. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 23 and they are therefore denied.

24. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 24 and they are therefore denied.

25. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 25 and they are therefore denied.

26. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 26 and they are therefore denied.

27. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 27 and they are therefore denied.

28. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 28 and they are therefore denied.

29. Paragraph 29 is admitted.

30. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 30 and they are therefore denied.

31. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 31 and they are therefore denied.

32. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 32 and they are therefore denied.

33. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 33 and they are therefore denied.

34. Paragraph 34 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

35. Paragraph 35 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

36. Paragraph 36 is denied.

37. Paragraph 37 is admitted.

38. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 38 and they are therefore denied.

39. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 39 and they are therefore denied.

40. Paragraph 40 is denied.

41. Paragraph 41 is admitted.

42. Paragraph 42 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

43. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 43 and they are therefore denied.

44. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 44 and they are therefore denied.

45. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 45 and they are therefore denied.

46. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 46 and they are therefore denied.

47. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 47 and they are therefore denied.

48. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 48 and they are therefore denied.

49. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 49 and they are therefore denied.

50. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 50 and they are therefore denied.

51. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 51 and they are therefore denied.

52. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 52 and they are therefore denied.

53. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 53 and they are therefore denied.

54. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 54 and they are therefore denied.

55. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 55 and they are therefore denied.

56. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 56 and they are therefore denied.

57. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 57 and they are therefore denied.

58. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 58 and they are therefore denied.

59. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 59 and they are therefore denied.

60. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 60 and they are therefore denied.

61. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 61 and they are therefore denied.

62. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 62 and they are therefore denied.

63. Paragraph 63 is admitted to the extent that Defendant Gregor resigned his position with the Santa Fe Schools.

64. Paragraph 64 is admitted.

65. Paragraph 65 is admitted.

66. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 66 and they are therefore denied. Defendant Gregor further provides that the document will speak for itself.

67. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 67 and they are therefore denied.

68. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 68 and they are therefore denied.

69. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 69 and they are therefore denied. Defendant Gregor further provides that the document will speak for itself.

70. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 70 and they are therefore denied. The document will speak for itself.

71. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 71 and they are therefore denied. Defendant Gregor further provides that the the posted information will speak for itself.

72. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 72 and they are therefore denied. Defendant Gregor further provides that the the pertinent documents will speak for themselves.

73. Paragraph 73 is admitted.

74. Paragraph 74 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

75. Paragraph 75 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

76. Paragraph 76 is admitted to the extent that it alleges that Defendant Montoya's husband and Defendant Gregor were enrolled in the same program to obtain a master's degree.

77. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 77 and they are therefore denied.

78. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 78 and they are therefore denied.

79. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 79 and they are therefore denied.

80. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 80 and they are therefore denied.

81. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 81 and they are therefore denied.

82. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 82 and they are therefore denied.

83. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 83 and they are therefore denied.

84. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 84 and they are therefore denied.

85. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 85 and they are therefore denied.

86. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 86 and they are therefore denied.

87. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 87 and they are therefore denied.

88. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 88 and they are therefore denied.

89. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 89 and they are therefore denied.

90. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 90 and they are therefore denied.

91. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 91 and they are therefore denied.

92. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 92 and they are therefore denied.

93. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 93 and they are therefore denied.

94. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 94 and they are therefore denied.

95. Paragraph 95 is denied.

96. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 96 and they are therefore denied.

97. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 97 and they are therefore denied.

98. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 98 and they are therefore denied.

99. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 99 and they are therefore denied.

100. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 100 and they are therefore denied.

101. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 101 and they are therefore denied.

102. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 102 and they are therefore denied.

103. Paragraph 103 is denied.

104. Paragraph 104 is admitted.

105. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 105 and they are therefore denied.

106. Paragraph 106 is denied.

107. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 107 and they are therefore denied.

108. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 108 and they are therefore denied.

109. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 109 and they are therefore denied.

110. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 110 and they are therefore denied.

111. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 111 and they are therefore denied.

112. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 112 and they are therefore denied.

113. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 113 and they are therefore denied.

114. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 114 and they are therefore denied.

115. Paragraph 115 is admitted.

116. Paragraph 116 is admitted.

117. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 117 and they are therefore denied.

118. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 118 and they are therefore denied.

119. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 119 and they are therefore denied.

120. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 120 and they are therefore denied.

121. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 121 and they are therefore denied.

122. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 122 and they are therefore denied.

123. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 123 and they are therefore denied.

124. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 124 and they are therefore denied.

125. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 125 and they are therefore denied.

126. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 126 and they are therefore denied.

127. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 127 and they are therefore denied.

128. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 128 and they are therefore denied.

129. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 129 and they are therefore denied.

130. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 130 and they are therefore denied.

131. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 131 and they are therefore denied.

132. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 132 and they are therefore denied.

133. Paragraph 133 is denied.

134. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 134 and they are therefore denied.

135. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 135 and they are therefore denied.

136. Paragraph 136 is denied.

137. Paragraph 137 is denied.

138. Paragraph 138 is denied.

139. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 139 and they are therefore denied.

140. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 140 and they are therefore denied.

141. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 141 and they are therefore denied.

142. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 142 and they are therefore denied.

143. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 143 and they are therefore denied.

144. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 144 and they are therefore denied.

145. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 145 and they are therefore denied.

146. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 146 and they are therefore denied.

147. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 147 and they are therefore denied.

148. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 148 and they are therefore denied.

149. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 149 and they are therefore denied.

150. Paragraph 150 is denied.

151. Paragraph 151 is denied.

152. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 152 and they are therefore denied.

153. Paragraph 153 is denied.

154. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 154 and they are therefore denied.

155. Paragraph 155 is denied.

156. Paragraph 156 is denied.

157. Paragraph 157 is denied.

158. Paragraph 158 is denied.

159. Paragraph 159 is denied.

160. Paragraph 160 is denied.

161. Paragraph 161 is denied.

162. Paragraph 162 is denied.

163. Paragraph 163 is denied.

164. Paragraph 164 is denied.

165. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 165 and they are therefore denied.

166. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 166 and they are therefore denied.

167. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 167 and they are therefore denied.

168. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 168 and they are therefore denied.

169. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 169 and they are therefore denied.

170. Paragraph 170 is denied.

171. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 171 and they are therefore denied.

172. Paragraph 172 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

173. Paragraph 173 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

174. Paragraph 174 is denied.

175. Paragraph 175 is denied.

176. Paragraph 176 is denied.

177. Paragraph 177 is denied.

178. Paragraph 178 is denied.

179. Paragraph 179 is denied.

180. Paragraph 180 is denied.

181. Paragraph 181 is denied.

182. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 182 and they are therefore denied.

183. Paragraph 183 is denied.

184. Paragraph 184 is denied.

185. Paragraph 185 is denied.

186. Paragraph 186 is denied.

187. Paragraph 187 is denied.

188. Paragraph 188 is denied.

189. Paragraph 189 is denied.

190. Paragraph 190 is denied.

191. Paragraph 191 is denied.

192. Paragraph 192 is denied.

193. Paragraph 193 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

194. Paragraph 194 is denied.

195. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 195 and they are therefore denied.

196. Paragraph 196 is denied.

197. Paragraph 197 is denied.

198. Paragraph 198 is denied.

199. Paragraph 199 is denied.

200. Paragraph 200 is denied.

201. Paragraph 201 is denied.

202. Paragraph 202 is denied.

203. Paragraph 203 is denied.

204. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 204 and they are therefore denied.

205. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 205 and they are therefore denied.

206. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 206 and they are therefore denied.

207. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 207 and they are therefore denied.

208. Paragraph 208 is admitted.

209. Paragraph 209 is admitted.

210. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 210 and they are therefore denied. Defendant Gregor further provides that the PED application speaks for itself.

211. Defendant Gregor provides that the PED application speaks for itself.

212. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 212 and they are therefore denied. Defendant Gregor further provides that the PED application speaks for itself.

213. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 213 and they are therefore denied.

214. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 214 and they are therefore denied.

215. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 215 and they are therefore denied.

216. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 216 and they are therefore denied.

217. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 217 and they are therefore denied.

218. Defendant Gregor does not have sufficient recollection or knowledge to admit or deny the allegations in Paragraph 218 and they are therefore denied.

219. Paragraph 219 is admitted to the extent that Defendant Gregor's license to teach in New Mexico has not been renewed.

COUNT I

(Plaintiffs' Claims Against Defendant Gregor Under 42 U.S.C. § 1983)

220. Defendant Gregor incorporates all prior responses as if fully set forth herein.

221. Paragraph 221 sets forth legal conclusions to which no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

222. Paragraph 222 is denied.

223. Paragraph 223 is denied.

224. Paragraph 224 is denied.

225. Paragraph 225 is denied.

226. Paragraph 226 is denied.

227. Paragraph 227 is denied.

228. Paragraph 228 is denied.

229. Paragraph 229 is denied.

230. Paragraph 230 is denied.

COUNT II

(Plaintiffs' Claim Against Defendants SFPS and EPS Under 42 U.S.C. § 1983)

231. Defendant Gregor incorporates all prior responses as if fully set forth herein.

232. Paragraph 232 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

233. Paragraph 233 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

234. Paragraph 234 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

235. Paragraph 235 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

236. Paragraph 236 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

237. Paragraph 237 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

COUNT III
(Plaintiffs' Claims Against Defendant Sewing Under 42 U.S.C. § 1983)

238. Defendant Gregor incorporates all prior responses as if fully set forth herein.

239. Paragraph 239 states legal conclusions to which no response is required.

240. Paragraph 240 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

241. Paragraph 241 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

242. Paragraph 242 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

243. Paragraph 243 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

244. Paragraph 244 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

245. Paragraph 245 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

246. Paragraph 246 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

247. Paragraph 247 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

248. Paragraph 248 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

COUNT IV
(Plaintiffs' Claims Against Defendant Montoya Under 42 U.S.C. § 1983)

249. Defendant Gregor incorporates all prior responses as if fully set forth herein.

250. Paragraph 250 sets forth legal conclusions and does not purport to state claims against Defendant Gregor, and therefore no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

251. Paragraph 251 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

252. Paragraph 252 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

253. Paragraph 253 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

254. Paragraph 254 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

255. Paragraph 255 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

256. Paragraph 256 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

257. Paragraph 257 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

258. Paragraph 258 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

259. Paragraph 259 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

COUNT V
(Plaintiffs' Claims Against Defendant EPS Under Title IX, 20 U.S.C. §§ 1681-1688, for Sexual Abuse)

260. Defendant Gregor incorporates all prior responses as if fully set forth herein.

261. Paragraph 261 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

262. Paragraph 262 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

263. Paragraph 263 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

264. Paragraph 264 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

265. Paragraph 265 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

266. Paragraph 266 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

267. Paragraph 267 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

268. Paragraph 268 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

269. Paragraph 269 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

270. Paragraph 270 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

271. Paragraph 271 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

272. Paragraph 272 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

273. Paragraph 273 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

COUNT VI
(Plaintiffs' Claim Against Defendant EPS Under the New Mexico Tort Claims Act, NMSA 1978, § 41-4-6)

274. Defendant Gregor incorporates all prior responses as if fully set forth herein.

275. Paragraph 275 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

276. Paragraph 276 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

277. Paragraph 277 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

278. Paragraph 278 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

279. Paragraph 279 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

280. Paragraph 280 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

281. Paragraph 281 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

282. Paragraph 282 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

283. Paragraph 283 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

284. Paragraph 284 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

285. Paragraph 285 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

286. Paragraph 286 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

287. Paragraph 287 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

288. Paragraph 288 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

COUNT VII
(Plaintiffs' Common Law Batter Claim Against Defendant Gregor)

289. Defendant Gregor incorporates all prior responses as if fully set forth herein.

290. Paragraph 290 is denied.

291. Paragraph 291 sets forth legal conclusions to which no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

292. Paragraph 292 is denied.

293. Paragraph 293 is denied.

294. Paragraph 294 is denied.

COUNT VIII

(Plaintiffs' Common Law Negligence Per Se Claim Against Defendant Gregor)

295. Defendant Gregor incorporates all prior responses as if fully set forth herein.

296. Paragraph 296 is denied.

297. Paragraph 297 sets forth legal conclusions to which no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied.

298. Paragraph 298 is denied.

COUNT IX

(Plaintiffs' Common Law Intentional Infliction of Emotional Distress/Outrage Against Defendant Gregor)

299. Defendant Gregor incorporates all prior responses as if fully set forth herein.

300. Paragraph 300 is denied.

301. Paragraph 301 is denied.

302. Paragraph 302 is denied.

COUNT X

(Plaintiff's Common Law Negligence Per Se Claim Against Defendants Sewing and Montoya)

303. Defendant Gregor incorporates all prior responses as if fully set forth herein.

304. Paragraph 304 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

305. Paragraph 305 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

306. Paragraph 306 does not purport to state any claims against Defendant Gregor, and therefore, no response is required. To the extent that any claims are asserted against Defendant Gregor, they are denied.

PRAYER FOR RELIEF

307. Defendant Gregor incorporates all prior responses as if fully set forth herein

308. Paragraph 308 is denied.

309. Paragraph 309 is denied.

310. Paragraph 310 is denied.

311. Paragraph 311 sets forth legal conclusions to which no response is required. To the extent that any allegations purport to state claims against Defendant Gregor, they are denied

AFFIRMATIVE DEFENSES

A. The Amended Complaint fails to state a claim for relief in whole or part upon which relief may be granted.

B. Defendant Gregor asserts the defense of qualified immunity as to the federal claims.

C. The Amended Complaint fails to state a claim in whole or part pursuant to the New Mexico Tort Claims Act.

D. There is no waiver of immunity for the acts complained of pursuant to the Tort Claims Act.

E. If Plaintiffs were injured and/or damaged as alleged in Plaintiffs' Amended Complaint, such injuries and damages were caused by third parties for whom Defendant Gregor is not liable.

F. If Defendant Gregor was negligent, which is specifically denied, the negligence of all parties, named and un-named, should be compared and fault apportioned accordingly.

G. Plaintiffs may have failed to mitigate their damages thereby barring or reducing any recovery against Defendant Gregor.

H. The award of punitive damages against Defendant Gregor would violate provisions of the New Mexico and United States Constitutions. In addition, procedures of awards of punitive damages in New Mexico do not provide safeguards adequate to ensure due process is guaranteed by the Fourteenth Amendment to the United States' Constitution in that:

- i. There is no statutory limits placed on the amount of punitive damages that a jury may award;
- ii. The jury is insufficiently limited in its discretion to award punitive damages;

iii. The “preponderance of evidence” standard of proof is not high enough to satisfy due process where Defendant faces a punitive damage award.

I. Punitive damages may not be awarded against a public entity or its employees acting in their official capacity.

J. Plaintiff has failed to state a claim for which relief can be granted against Defendant Gregor for Common Law Battery pursuant to the New Mexico Tort Claims Act NMSA 1978, § 41-4-1, et seq.

WHEREFORE Defendant Gregor, having fully answered Plaintiffs’ Amended Complaint, respectfully requests that the Court dismiss Plaintiffs’ Amended Complaint with prejudice, and grant Defendant Gregor his attorney’s fees and costs and for such further relief as the Court may deem proper.

Respectfully submitted,

NARVAEZ LAW FIRM, P.A.

/s/ Henry F. Narvaez
HENRY F. NARVAEZ
CARLOS E. SEDILLO
Attorneys for Defendant Gary F. Gregor
Post Office Box 25967
Albuquerque, New Mexico 87125-0967
(505) 248-0500

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of May, 2014, I filed the foregoing electronically through CMECF, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

ROTHSTEIN, DONATELLI, HUGES,
DAHLSTROM, SCHOENBURG & BIENVENU, LLP
Carolyn M. Nichols
Brendan K. Egan
Attorneys for Plaintiffs
500 4th St., NW, Suite 400
Albuquerque, NM 87102

WALZ AND ASSOCIATES
JERRY A. WALZ
*Attorney for Defendants Espanola Public
Schools, and Ruby E. Montoya*
133 Eubank Blvd. NE
Albuquerque, NM 87123
505-275-1800

THE BROWN LAW FIRM
KEVIN M. BROWN
DESIREE D. GURULE
*Attorneys for Defendants Santa Fe Public
Schools, and Vickie L. Sewing*
2901 Juan Tabo Blvd. NE, Suite 208
Albuquerque, NM 87112
505-292-9677

/s/ Henry F. Narvaez

HENRY F. NARVAEZ